

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARK WILLIAMS, as Personal Representative of  
the Estate of Shane P. Williams, and a married man  
as his separate property, et al.,

Plaintiffs,

v.

KITSAP COUNTY, et al.,

Defendants.

NO. 08-CV-05430-RBL

STIPULATION AND PROTECTIVE  
ORDER RE: RELEASE OF EVIDENCE

CECILIA GOULD AND ROBERT GOULD

Plaintiffs,

v.

BEN HERRIN, et ux., and PAUL WOODRUM, et  
ux.,

Defendants.

**STIPULATION**

COME NOW, the parties hereto, through their respective counsel, and stipulate as follows:

1. Plaintiffs Mark Williams and Cecilia Gould hereby stipulate to the chain of custody of all items released to their agent, Kay Sweeney.

2. In no event shall the evidence released pursuant to this stipulation be released, handled,

STIPULATION AND PROTECTIVE ORDER RE: RELEASE OF EVIDENCE (08-CV-05430-RBL )- 1

**RUSSELL D. HAUGE**  
Kitsap County Prosecuting Attorney  
614 Division Street, MS-35A  
Port Orchard, WA 98366-4676  
(360) 337-4992 Fax (360) 337-7083  
www.kitsapgov.com/pros

1 turned over to, or otherwise provided to anyone other than Kay Sweeney.

2 3. Mr. Sweeney shall not release or return the evidence to any person other than a Kitsap  
3 County Sheriff's Office Evidence Custodian.

4 4. Prior to the release of any item(s) or evidence from the possession of the Kitsap County  
5 Sheriff's Department Evidence Custodian to Mr. Sweeney, Plaintiff(s) shall provide to Defense Counsel,  
6 Ione George, the name and address of the location where the item(s) will be transported.

7 5. Any item sought to be released shall be picked up directly from the Kitsap County Sheriff's  
8 Office by Mr. Sweeney, at a mutually agreed upon date and time, but in any event, no later than October  
9 21, 2009.

10 6. Mr. Sweeney shall be required to sign for any item released to him pursuant to this  
11 stipulation, as may be required by the Kitsap County Sheriff's Office Evidence Custodian.

12 7. Any item released under this stipulation, or any part thereof, shall not be amended, altered  
13 or consumed in any manner; nor shall any chemical be placed upon the item, even if such chemical is later  
14 removed from the item, except pursuant to the terms of Paragraph 8. Any/all items released shall be re-  
15 packaged and returned in the same manner and condition as originally packaged.

16 8. In the event Mr. Sweeney desires to conduct additional tests to or upon any released  
17 item which requires alterations, amendment or consumption of such item, or the placement of one or  
18 more chemicals upon the item, Mr. Sweeney shall not conduct any such additional tests without first  
19 obtaining: (1) the consent of the parties hereto, which consent shall not be unreasonably withheld; or  
20 (2) a Court order authorizing such testing. In the event Mr. Sweeney desires to conduct any such tests,  
21 he shall be permitted to retain the released items for additional time, to be calculated as follows: Mr.  
22 Sweeney shall be permitted to retain the items for 7-days from the date consent of the parties is  
23 obtained, or from the date the Court authorizes such testing.

1           9.       In addition to any report that may be required pursuant to Court Rule, Mr. Sweeney shall  
2 document his transport, handling and analysis of the evidence item(s) in a written report, including:

- 3                   i) the date and time of transport, handling, and/or analysis of the item(s);  
4  
5                   ii) the condition of the item(s) at the time of receipt of the item(s) and the return of the  
6 items;  
7  
8                   iii) the nature, scope, duration, extent and result of any analyses(es) performed;  
9  
10                  iv) notation of any amendment and/or alteration to the packaging of each item with specific  
description of the need for and form of any amendment or alteration to the packaging.

11           10.       Notwithstanding any of the above provisions, the item(s) shall be returned by Mr. Sweeney  
12 to the Kitsap County Sheriff's Department Evidence Custodian no later than November 5, 2009, absent an  
13 extension of time granted through the provisions of section 8, above. Return of the item(s) shall be made  
14 directly (i.e. in person) to the Sheriff's Office by Mr. Sweeney.

15  
16           11.       Notwithstanding any of the above provisions, the report(s) referenced under item no. 9  
17 (nine), above, shall be provided to defense counsel, Ione George, no later than November 9, 2009, or the  
18 date following any extension of time that may be granted through the provisions of section 8, above.

19           11.       Only the following item(s) may be released under this stipulation, and are subject to the  
20 terms and conditions of this stipulation:  
21

	<b><u>Description:</u></b>	<b><u>Evidence No.:</u></b>
22	1) BM4952	Right shoe
23	2) BM4953	Left Shoe
24	3) BM4954	Sweat shirt
25	4) BM4955	Boxer underwear
26	5) BM 4956	Blk sweat pants
27	6) BM4958	1 tee shirt
28	7) BM4882	Machette – With Wooden Handle
	8) BM4959	Wht Env Cont. Rt. Hand Fingernails
	9) BM4960	Wht Env Cont. Left Hand Fingernails (Empty)

10)	BM4966	1 Slug/Jkt Frag
11)	BM4967	1 Slug Frm Anterior
12)	BM4968	1 Slug Frm Rt Rear Back
13)	BM4969	1 Slug Frm Rt. Lateral Chest
14)	BM4970	1 Slug Rr. Axilla
15)	BM4971	1 Slug Left Mid Back
16)	BM4972	1 Slug Frm Rt. Mid Back
17)	BM4883	Shell Casing – A
18)	BM4884	Shell Casing – B
19)	BM4885	Shell Casing – C
20)	BM4886	Shell Casing – D
21)	BM4887	Shell Casing – E
22)	BM4888	Shell Casing – F
23)	BM4889	Shell Casing – G
24)	BM4890	Shell Casing – H
25)	BM4891	Shell Casing – I
26)	BM4892	Shell Casing - J
27)	BM4893	Lead Bullet Fragment
28)	BM4894	Lead Bullet Fragment From Car Door

DATED this 16<sup>th</sup> day of October, 2009.

RUSSELL D. HAUGE  
Kitsap County Prosecuting Attorney

/s/ Ione George  
IONE S. GEORGE, WSBA #18236  
Senior Deputy Prosecuting Attorney  
Attorney for Defendants Ben Herrin, Victor  
Cleere and Kitsap County

DATED this 16th day of October, 2009.

KEATING, BUCKLIN & McCORMICK,  
INC., P.S.

/s/ Andrew Cooley  
Andrew G. Cooley, WSBA 15189  
Attorney for Defendant Paul Woodrum  
Keating, Bucklin & McCormack, Inc., P.S.

1 DATED this 16th day of October, 2009.

2  
3 /s/ Guy Beckett

4 GUY BECKETT, WSBA #14939  
5 Attorney for Plaintiff Mark Williams

6 DATED this 16th day of October, 2009.

7  
8 /s/ Fred Diamondstone

9 FRED DIAMONDSTONE, WSBA #7183  
10 Attorney for Plaintiff Cecilia Gould

11 DATED this 19<sup>th</sup> day of October, 2009.

12 /s/ Mark Koontz

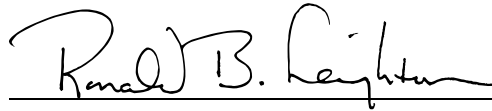
13 MARK KOONTZ, WSBA #26212  
14 Attorney for Defendant Olson

15 **ORDER**

16 Pursuant to the foregoing Stipulation, it is hereby,

17 ORDERED that all parties to the above Stipulation shall abide by the terms and conditions set forth  
18 thereby.

19 DONE IN OPEN COURT this 20<sup>th</sup> day of October, 2009

20 

21 RONALD B. LEIGHTON  
22 UNITED STATES DISTRICT JUDGE

23 PRESENTED BY:

24 RUSSELL D. HAUGE  
25 Kitsap County Prosecuting Attorney

26 /s/ Ione George

27 IONE S. GEORGE, WSBA #18236  
28 Senior Deputy Prosecuting Attorney  
Attorney for Defendants

1  
2 APPROVED FOR ENTRY; NOTICE OF  
3 PRESENTATION WAIVED:

4 /s/ Andrew Cooley

5 Andrew G. Cooley, WSBA #15189  
6 Attorney for Defendant Paul Woodrum

7 APPROVED FOR ENTRY; NOTICE OF  
8 PRESENTATION WAIVED:

9 /s/ Guy Beckett

10 GUY BECKETT, WSBA #14939  
11 Attorney for Plaintiff Mark Williams

12  
13 APPROVED FOR ENTRY; NOTICE OF  
14 PRESENTATION WAIVED:

15 /s/ Fred Diamondstone

16 FRED DIAMONDSTONE, WSBA #7183  
17 Attorney for Plaintiff Cecilia Gould

18 APPROVED FOR ENTRY; NOTICE OF  
19 PRESENTATION WAIVED:

20  
21 /s/ Mark Koontz

22 MARK KOONTZ, WSBA #26212  
23 Attorney for Defendant Olson